

RECEIVED

JAN 22 2003

BY FEDERAL EXPRESS COURIER SERVICE

TECH CENTER 1600/2900



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Michael Simons & Youhe Gao.
Serial No. : 09/426,011
Filed : October 25, 1999
For : "METHOD FOR PR-39 PEPTIDE REGULATED
STIMULATION OF ANGIOGENESIS"
Examiner : Roy R. Teller
Group Art Unit : 1653
Attorney's Docket No. : BIS-043/CIP

REPLY TO NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT
APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR
AMINO ACID SEQUENCE DISCLOSURES

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the Notice To Comply With Requirements For
Patent Applications Containing Nucleotide Sequence And/Or Amino Acid
Sequence Disclosures mailed November 14th, 2002, as extended
through February 14th, 2003, please find enclosed another copy of the
following documents and diskette originally submitted under a
Certificate Of Mailing dated January 23rd, 2002 for filing on behalf of
applicants and for formal entry into the above-identified application:

1. An Amendment Of Specification, Drawing And Claims; And
Request For Entry Of A Second Paper Form Copy Of The Sequence

Listing Containing Nucleotide Sequence And/or Amino Acid Sequence
Disclosures as originally submitted January 23rd, 2002.

2. A second paper form copy of the "Sequence Listing" to be formally entered into the original Specification of the above-identified patent application as originally submitted January 23rd, 2002.
3. A second computer readable form (CRF) copy of the "Sequence Listing" as originally submitted January 23rd, 2002.
4. A Second Statement And Verification Of Substantive Identity Between The Computer Readable Form (CRF) Copy And The Paper Form Copy Of The "Sequence Listing" as originally submitted January 23rd, 2002.
5. One copy of the Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures as mailed November 14, 2002.

This Reply and the accompanying documents with diskette constitutes the third occasion in repetitious series where the Scientific and Technical Information Center (STIC) of the Patent Office again sends a CRF Problem Report (again dated June 20, 2002) that the received CRF diskette is once again damaged. The first occasion was the Notice mailed April 26th, 2002; and applicants responded in full on May 24th, 2002 with another complete set of the requisite documents and a replacement CRF diskette of the sequences in question. A copy

of applicants' Reply as mailed May 24th, 2002 is enclosed herein.

The second occasion was the Notice mailed September 10th, 2002; and applicants again responded in full on September 24th, 2002 with another complete set of the requisite documents and another replacement CRF diskette of the sequences in question. A copy of applicants' Reply as mailed September 24th, 2002 is also enclosed herein. Nevertheless, it now appears that the second replacement CRF diskette has also become damaged for unknown reasons by the time it was received by the Scientific and Technical Information Center.

This Notice mailed November 14th, 2002 is therefore the third occasion of the PTO having received a damaged CRF diskette for the above-identified application. Not only is the previous CRF Problem Report dated June 20, 2002 again employed for a second time to identify the existence of a damaged diskette; but also no attempt at all is made by STIC to account for the true cause or actual reasons why each of the previously mailed replacement CRF diskette arrived repeatedly in allegedly damaged condition.

Applicants' undersigned attorney hereby certifies that he himself checked and confirmed that each of the previously sent replacement CRF diskettes were operative and undamaged when sent; and that each previously sent replacement diskette contained and provided a

computer readable copy of the sequences listing in question – at the moment when the documents and diskette were given to the U.S. Postal Service for mailing. Thus, the question of when and how the alleged damage to each of the previously sent replacement CRF diskettes occurred remains an open and unresolved matter; but, applicants' undersigned attorney notes that the procedures of the personnel working in the Mail Room at the U.S. Patent & Trademark Office remain mysteriously unmentioned and unaccounted for to date – despite the repeated occurrence of damaged diskettes being received by STIC.

Applicant see no point in submitting another replacement set of documents and CRF diskette via U.S. mail under these suspicious circumstances. For these reasons, photocopies of the previously accepted supporting documents and verification originally submitted January 23rd, 2002, together with a new and undamaged replacement diskette presenting the sequences listings in computer readable format, are now being sent by Federal Express courier service to the following address:


U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, Box Sequence
Crystal Plaza Two, Lobby, Room 1B03
Arlington, Virginia 22202

This documentary enclosure and presently undamaged CRF diskette submitted by Federal Express courier service are therefore deemed to satisfy in full all the necessary procedural requirements demanded by the instant Notice mailed November 14th, 2002.

Respectfully submitted,

MICHAEL SIMONS
YOU E GAO

Date: Jan. 16, 2003
P.O. Box 5387
Magnolia, Massachusetts 01930
Tel.: (978) 525-3794

By: 
David Prashker
Reg. No. 29,693
Attorney for applicants



UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Michael Simons & Youhe Gao
Serial No. : 09/426,011
Filed : October 25, 1999
For : "METHOD FOR PR-39 PEPTIDE
REGULATED STIMULATION OF
ANGIOGENEIS"
Examiner : F.T. Moezie
Group Art Unit : 1653
Attorney's Docket No. : BIS-O43/CIP

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231 on: Jan. 23, 2002.

Attorney for Applicants: David Traskken

Signature: David Traskken

Date: Jan. 23, 2002

SECOND STATEMENT AND VERIFICATION OF SUBSTANTIVE IDENTITY
BETWEEN THE SECOND COMPUTER READABLE FORM (CRF) COPY AND
THE SECOND PAPER FORM COPY OF THE "SEQUENCE LISTING"

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In accompaniment with the enclosed Reply to the Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures as mailed September 4, 2001 and extended through February 4, 2002, applicants' undersigned attorney states and verifies the following: The

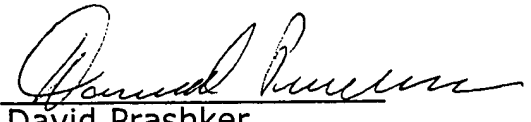
content of the second paper form copy and the second computer readable form (CRF) copy of the "Sequence Listing" enclosed herewith are the same; the content of the second paper form copy and the second computer readable form (CRF) copy of the "Sequence Listings" enclosed herewith do not contain any New Matter; and the content of the second paper form copy and the second computer readable form (CRF) copy of the "Sequence Listing" enclosed herewith is fully supported by the descriptive and enabled disclosure of the Specification text originally filed October 25, 1999 as USSN 09/426,011.

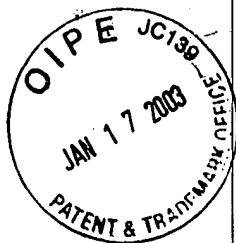
This second statement and verification of the contents and sameness of the "Sequence Listing" in second paper form copy and second computer readable form (CRF) copy is made pursuant to and in compliance with the requirements as set forth in 37 C.F.R. 1.821-1.825 respectively. Applicants' undersigned attorney respectfully submits that this second statement and verification is also a legally complete and sufficient Response to the instant Notice to comply with requirements for sequence disclosures as such.

Respectfully submitted,

MICHAEL SIMONS
YOUHE GAO

Date: Jan. 23, 2002
P.O. Box 5387
Magnolia, Massachusetts 01930
Tel.: (978) 5253794

By: 
David Prashker
Reg. No. 29,693
Attorney for applicants



"FedEx USA Airbill number 8257 7440 7220

Date of
Deposit Jan. 16, 2003

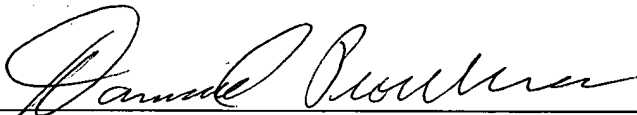
I hereby certify that this paper or fee is being sent by overnight Federal Express courier service with the FedEx Airbill number and the date indicated above, and is addressed to:

U.S. Patent and Trademark Office
2011 South Clark Plaza
Customer Window, Box Sequence
Crystal Plaza Two, Lobby, Room 1B03
Arlington, Virginia 22202

RECEIVED
JAN 22 2003
TECH CENTER 1600/2900

David Prashker

(Typed or printed name of person sending paper or fee)



(Signature of person sending paper or fee)